

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by:  
Trial Section Merits Panel  
Mail Stop INTERFERENCE  
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Paper

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**APPLIED RESEARCH SYSTEMS ARS HOLDING, N.V.**  
Junior Party  
(Patent 5,272,071)

v.

**CELL GENESYS, INC.**  
Junior Party,  
(Application 08/102,390)<sup>1</sup>

**Patent Interference No. 105,114**

Before McKELVEY, Senior Administrative Patent Judge, and MOORE and POTEATE,  
Administrative Patent Judges.

MOORE, Administrative Patent Judge.

**JUDGMENT - NO INTERFERENCE-IN-FACT**

<sup>1</sup> Both parties were accorded junior party status (See Paper 1).

**FAXED**

**JUN 24 2004**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Further to that decision, it is hereby:

**FURTHER ORDERED** that junior party CELL GENESYS, INC. is not entitled to a patent containing claims 105, 110, 111 and 112 (corresponding to Count 1) of application 08/102,390.

**FURTHER ORDERED** that this interference is terminated.

*McK*

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Fred E. McKelvey, Senior )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Linda R. Poteate  
Linda R. Poteate  
Administrative Patent Judge

Interference No. 105,114  
ARS, N.V. v. CELL GENESYS, INC.

Paper 173  
June 23, 2004

By facsimile:

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## INTERFERENCE DIGEST

Interference No. 105,114

Paper No. 41

Name: Arthur I. Skoultchi

Serial No.: 08/102,390

Patent No.

Title: PRODUCTION OF PROTEINS USING HOMOLOGOUS RECOMBINATION

Filed: 08/05/93

Interference with Chappel

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

### FINAL DECISION

Board of Patent Appeals and Interferences, Adverse Dated, 9/24/04

\_\_\_\_\_  
Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

INTF. terminated. NO Interference. IN FACT

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This should be placed in each application or patent involved in interference in addition to the interference letters.